

STATE OF WEST VIRGINIA
BOARD OF OSTEOPATHIC MEDICINE

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MEMORANDUM

DATE: August 10, 2020

TO: Mac Warner
Secretary of State

FROM: Jonathan T. Osborne
Executive Director of the West Virginia Board of Osteopathic Medicine

RE: **Suspension of Rules in Response to COVID-19**

OFFICE OF THE
SECRETARY OF STATE

2020 AUG 13 P 2:22

FILED

The West Virginia Board of Osteopathic Medicine requests that the rules described below be temporarily suspended, effective immediately, pursuant to W. Va. Code § 15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020. The Board further requests that the subject rules remain suspended until the Board terminates this Notice or the State of Emergency is lifted, whichever occurs first.

The Board originally filed a memorandum on March 26, 2020, suspending certain rules in 24 CSR 1, 24 CSR 2, and 24 CSR 5. The Board subsequently filed a July 30, 2020, memorandum pertaining only to 24 CSR 1. The Board previously filed amendments to 24 CSR 2, which were approved by the Legislature during the 2020 Regular Session. Those amendments recently became effective, which now requires the Board to re-suspend certain provisions of 24 CSR 2. This suspension memorandum applies only to 24 CSR 2. The March 26, 2020, memorandum remains in effect as to 24 CSR 5, and the July 30, 2020, memorandum remains in effect as to 24 CSR 1.

1. In order to maximize the number of healthcare providers available during the State of Emergency, the Board suspends licensure requirements set forth in 24 CSR 2 for the following categories of physician assistants (“PAs”):

- a. PAs who are not currently or formerly licensed in West Virginia and who hold valid, unrestricted medical licensure in another state, district, or territory of the United States and who have no pending complaints, investigations, or disciplinary proceedings; and
- b. PAs who, at one time, possessed a license issued by the Board of Osteopathic Medicine but are now retired or in inactive status with no pending complaints, investigations, consent orders, board orders, or pending disciplinary proceedings.


Suspension of these requirements will allow the Board to grant emergency temporary permits for the duration of the State of Emergency to PAs satisfying one of the two categories. PAs seeking emergency temporary permits will be required to file an application with the Board. The Board will continue to waive fees set forth in 24 CSR 5 for PAs who are granted an emergency temporary permit to practice in West Virginia during the State of Emergency. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

2. Pursuant to **W. Va. CSR § 24-2-17**, PAs are required to biennially furnish proof of completion of Continuing Medical Education requirements prior to renewing their licenses. In order to relieve PAs responding to the COVID-19 emergency, the Board temporarily extends the applicable deadline for submitting proof of CME hours for a period of up to six (6) months. PAs may apply CME hours obtained after the applicable deadline to the current reporting period. However, in no event may CME hours be applied to more than one reporting period. PAs shall still be required to comply with all other renewal requirements by the applicable deadline, including filing an application and paying applicable fees. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.

3. In recognition of the potentially fluid and dynamic nature of providing medical care during the COVID-19 emergency, the Board temporarily suspends its formal procedures for creating or amending practice agreements and practice notifications. During the State of Emergency, PAs and hospital representatives must notify the Board via email when a PA enters into new agreements or notifications or when a PA adds or changes collaborating physicians. This temporary measure affects the provisions of **W. Va. CSR § 24-2-11** and **W. Va. CSR § 24-2-14**. The Board's temporary suspension of the fees associated with practice agreements and practice notifications set forth in the aforementioned provisions and 24 CSR 5 remains in effect. The Board also temporarily suspends the regulations that limit collaborating physicians to practice agreements with only five PAs at one time as set forth in **W. Va. CSR § 24-2-13 and 14**.

The scope of practice and prevailing standard of care applicable to PAs remain unchanged. These measures will remain in effect until terminated by the Board or the State of Emergency is

lifted, whichever occurs first. Strict compliance with these rules would hinder or delay necessary action in coping with the emergency declared by the Governor.



(Agency Representative)